

be more harmful than helpful to the application because Babbitt might “bend over backwards because [Eckstein was] involved and look at it more critically.”⁴³²

Goff left that meeting with Eckstein on an open-ended note, saying that he might get back in touch with Eckstein at some point if the applicants wanted to pursue his assistance. Eckstein expected never to hear from Goff again. As soon as he learned that the Minneapolis Area Office approved the application on Nov. 15, 1994, and forwarded it to Washington, Goff likewise felt the applicants would not need Eckstein’s services.

As a result, Eckstein was surprised when he received a phone call and a package of documents on the matter from Goff in early April 1995. Goff explained the recent history of the application, and the applicants’ alarm when they learned that the comment period had been extended by Interior for unexplained reasons. Having operated without a Washington representative until this point in time, Goff told Eckstein the applicants now wanted someone in contact with DOI who could apprise them of what was happening.

Eckstein had never before lobbied Babbitt during the Secretary’s tenure at Interior, though he had represented at least two clients in matters before him while Babbitt was Attorney General and Governor in Arizona. Eckstein discussed with Goff how he might help, including the possibility of contacting Interior Solicitor John Leshy, whom Eckstein also knew from Arizona; Leshy had taught at Arizona State University’s College of Law.⁴³³ Ultimately, Eckstein

⁴³²Eckstein G.J. Test. at 21-22. Eckstein testified that he expected Babbitt might be uncomfortable with Eckstein representing a client in a formal proceeding before DOI, but said that his involvement for this client should not be surprising because Babbitt was familiar with Eckstein’s background in Indian law matters.

⁴³³Eckstein had represented a client briefly in a matter dealing with Leshy’s office at DOI (continued...)